

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

Public reporting burden for this collection of information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB number and Form Number in your letter.

COMPLIANCE AGREEMENT

1. NAME AND ADDRESS OF PERSON OR FIRM		2. LOCATION
3. REGULATED ARTICLE(s) Hosts and Associated Hosts of <i>Phytophthora ramorum</i>		
4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS 7 CFR 301.92		
5. <i>I/We agree to the following:</i> USDA, APHIS, PPQ, will permit your establishment to execute the regulatory requirements outlined in the Code of Federal Regulations (CFR) 301.92 and the Federal Order of December 21, 2004. Requirements are outlined and attached as exhibits, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits are attached and binding: Exhibit A - Compliance Terms, Conditions, and Procedures. Exhibit B - Authorization for Certification. Exhibit C - <i>Phytophthora ramorum</i> host and associated host plants, as listed at http://www.aphis.usda.gov/ispm/sod This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However the Department may accelerate the notice to immediate for cause, including but not limited to the Establishments abandonment of the procedures outlined in the attached Exhibits. The Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material. NOTICE: Any signatory or employee of any signatory who violates the terms of this compliance agreement may be subject to Civil Penalties pursuant to 7 CFR301.92, and the Plant Protection Act of 2000.		
6. SIGNATURE	7. TITLE	8. DATE SIGNED
The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.		9. AGREEMENT NO.
		10. DATE OF AGREEMENT
11. PPQ OFFICIAL (<i>Name and Title</i>)	12. ADDRESS	
13. SIGNATURE		
14. STATE AGENCY OFFICIAL (<i>Name and Title</i>)	15. ADDRESS	
16. SIGNATURE		

EXHIBIT A

COMPLIANCE AGREEMENT TERMS, CONDITIONS AND PROCEDURES FOR NURSERIES IN _____ SHIPPING HOSTS AND ASSOCIATED-HOST PLANTS OF *PHYTOPHTHORA RAMORUM* INTERSTATE

In order to prevent the dissemination of *Phytophthora ramorum*, the Administrator of Animal and Plant Health Inspection Service (APHIS) considers it necessary to establish restrictions on the interstate movement of nursery stock from nurseries in _____. Nurseries that ship nursery stock listed in Attachments I and II (Exhibit C of this document) of the “Federal Order Restricting Movement of Nursery Stock from California, Oregon and Washington Nurseries” issued on December 21, 2004 may only ship listed nursery stock interstate if it is accompanied by a certificate issued under this compliance agreement. All nurseries growing and or selling *P. ramorum* host and associated host plants (Exhibit C) are required to enter into this compliance agreement in order to sell or distribute these plants out-of-state. All nurseries must be inspected, tested and certified free of *P. ramorum* before entering into this compliance agreement. Exceptions are listed in the Federal Order.

The nursery/establishment agrees to the following:

1. Inspection, Sampling, and Testing of Nursery Stock

- a. The nursery shall allow inspection and sampling of nursery stock as defined in the Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon, and Washington Nurseries, December 21, 2004.
- b. In order to remain under compliance, the nursery must be annually inspected, tested and certified free of *P. ramorum* following the procedures specified in the Federal Order. The following plants must be withheld from interstate shipment until the testing is completed and the nursery is found free of evidence of *P. ramorum*: 1) all symptomatic plants; 2) any plants located in the same lot as the suspect plant(s); and 3) any plants located within two (2) meters of the lot of plants.
- c. The State Department of Agriculture shall use inspection and sampling procedures that meet USDA standards for nurseries in both quarantined and regulated areas not under quarantine, as detailed in the Federal Order. The department or other USDA approved laboratory, using federally approved laboratory protocols, will test the samples.

2. Shipping Period

Listed plants (Exhibit C) may be moved interstate from the date the above inspection is completed, which includes laboratory analysis results of sampled plant material, for a period of up to one year or until directed otherwise by an authorized Agriculture Regulatory Official.

3. Restriction on Sources of Regulated Articles

The nursery may receive plants from sources within the quarantine or regulated areas only under the following conditions:

- a. Plants listed in Attachment I and II (Exhibit C) of the Federal Order that originate from nurseries that are also under a PPQ approved compliance agreement for *P. ramorum* and are accompanied by an appropriate certificate.*

- Interstate movement of plants listed in Attachment I and II (Exhibit C) of the Federal Order from a nursery without a compliance agreement is a violation of the Federal Order of December 21, 2004.
- b. Plants not listed in Attachments I and II (Exhibit C) of the Federal Order that originate from nurseries that have been inspected and found free of *P. ramorum* and are on an official list maintained by state agricultural officials.
- Interstate movement of plants not listed in Attachment I and II (Exhibit C) of the Federal Order from a nursery that has not been inspected and found free of *P. ramorum* is a violation of the Federal Order of December 21, 2004.
- c. Plants that originate from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum* must be segregated, safeguarded and held from sale until they have been inspected and tested by an approved regulatory official.
- This condition applies only to plants moved within a state from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum*. Interstate movement of these plants is a violation of the Federal Order of December 21, 2004.

4. Maintain Identity

Establishments shall maintain the identity of all listed plants in Exhibit C that are in compliance with provisions of this compliance agreement. Establishment shall maintain the identity of all listed plants that originated from other sources that are in compliance with provisions 3a, 3b, or 3c.

5. Requirements for Interstate Movement

The nursery shall ensure that a USDA certificate or stamp (Exhibit B) stating compliance with the Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon and Washington Nurseries, December 21, 2004 and/or 7CFR 301.92 accompanies each shipment of plants listed in Exhibit C that is moved interstate.

The USDA certificate or stamp (PPQ form 570, Exhibit B) may also be used to indicate nursery compliance with 7CFR 301.92 and the Emergency Federal Order of December 21, 2004 for the movement of listed (Exhibit C) nursery stock intrastate.

The nursery agrees to comply with all other applicable federal and state regulations related to the importation or distribution of plant material.

6. Records

The nursery agrees to maintain records of all incoming and outgoing shipments of hosts and associated plants for a minimum of 24 months. Records of plant shipments are to include species and variety of cultivar. These records shall be made available for periodic inspection by an approved Regulatory Official upon request to verify compliance with this provision. A PPQ 527 issuance tracking log is provided for use by the nursery, Exhibit D.

7. Infected Nursery Stock

In the event *P. ramorum* is detected in the nursery, the USDA and the State Department of Agriculture will delimit and eradicate the pathogen using the current USDA Confirmed Nursery Protocol, until conditions of the protocol are met. The complete text and information may be found at the USDA, APHIS, PPQ web site: <http://www.aphis.usda.gov/ppq/ispm/pramorum/>

8. Monitoring

Federal or State Regulatory Officials may conduct audits for compliance with this agreement at any time. Violation of any of these compliance agreement provisions will be cause for termination of the agreement.

9. Notice

The nursery shall provide advance notice to the State Department of Agriculture Regulatory Official when requesting an inspection.

10. Continuance of Compliance Agreement

This agreement is valid through _____
The nursery may request renewal to continue the agreement after that date.

*A USDA form 527, or 540 (certificate or stamp) is an appropriate certificate.

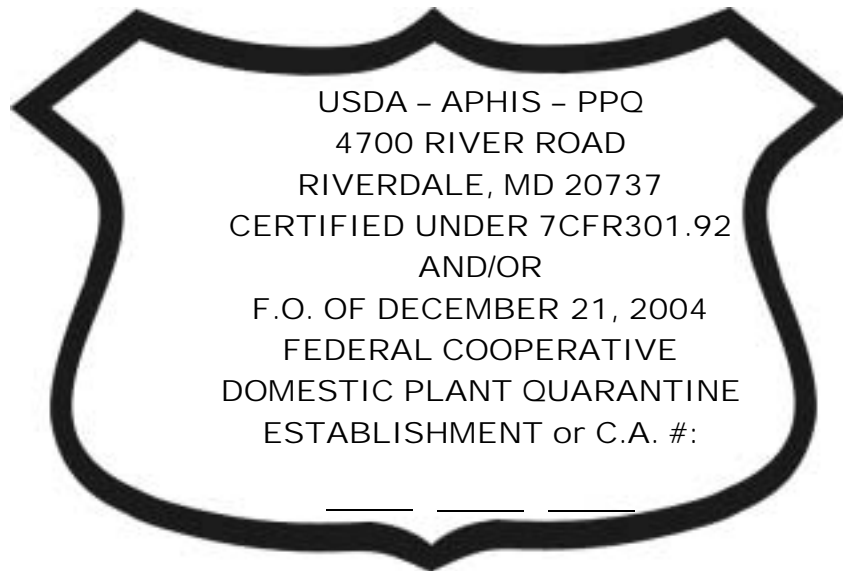
EXHIBIT B

Authorization for Certification

Business/Establishment Name _____

Establishment agrees to the following:

1. Reproduce the Federal certificate following dimensions in example below and using exact language in the example.
2. Use Federal certificate to certify interstate shipments of regulated plant material shipped from growing grounds named in this compliance agreement.
3. Use Federal certificate to certify regulated plant material that has been inspected and found free of symptoms of *Phytophthora ramorum* by agricultural officials.
4. Maintain record of all interstate shipments certified with Federal certificate and make such records available to agricultural officials upon request.
5. Delegate to one person only the authority to reproduce Federal certificate and use to certify interstate shipments of regulated articles.



Stamp Description:

Minimum Size: 2"x4"

Font: Arial Black

Font Size: 11

Establishment or Compliance Agreement Numbering System:

Each state shall use the Establishment number or Compliance Agreement numbering system that is appropriate for their state.

Authorization for Certification

By signing below, Establishment agrees to follow all instructions contained in Exhibit B,

Authorization for Certification.

Printed Name of Establishment Representative

Signature of Establishment Representative

Date

Printed Name of Federal, State or County Representative

Signature of Federal, State or County Representative

Date

EXHIBIT C

APHIS List of Hosts and Plants Associated with *Phytophthora ramorum*

(Revision dated 14 September 2005) This list is constantly being updated.

The most current version is posted at: <http://www.aphis.usda.gov/ppq/ispm/pramorum>

Proven Hosts Regulated for *Phytophthora ramorum*

These may be regulated in whole or in part – see “Updates” at:

<http://www.aphis.usda.gov/ppq/ispm/pramorum/>

Scientific Name (40)	Common Name(s)
<i>Acer macrophyllum</i>	Bigleaf maple
<i>Aesculus californica</i>	California buckeye
<i>Arbutus menziesii</i>	Madrone
<i>Arctostaphylos manzanita</i>	Manzanita
<i>Calluna vulgaris</i>	Scotch heather
<i>Camellia</i> spp.	Camellia - all species, hybrids and cultivars
<i>Castanea sativa</i>	Sweet chestnut
<i>Fraxinus excelsior</i>	European ash
<i>Griselinia littoralis</i>	Griselinia
<i>Hamamelis virginiana</i>	Witch hazel
<i>Heteromeles arbutifolia</i>	Toyon
<i>Lithocarpus densiflorus</i>	Tanoak
<i>Lonicera hispidula</i>	California honeysuckle
<i>Maianthemum racemosum</i> (formerly <i>Smilacina racemosa</i>)	False Solomon's seal
<i>Parrotia persica</i>	Persian ironwood
<i>Photinia fraseri</i>	Red tip photinia
<i>Pieris floribunda</i> and <i>Pieris floribunda</i> x <i>japonica</i>	Mountain Andromeda and all cultivars of the hybrid with Japanese Pieris
<i>Pieris formosa</i> and <i>P. formosa</i> x <i>japonica</i>	Himalaya Andromeda, and all cultivars of the hybrid with Japanese Pieris
<i>Pieris japonica</i>	Japanese Pieris
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>	Douglas fir and all nursery grown <i>P. menziesii</i>
<i>Quercus agrifolia</i>	Coast live oak
<i>Quercus chrysolepis</i>	Canyon live oak
<i>Quercus falcate</i>	Southern red oak
<i>Quercus ilex</i>	Holm oak
<i>Quercus kelloggii</i>	California black oak
<i>Quercus parvula</i> var. <i>shrevei</i>	Shreve's oak and all nursery grown <i>Q. parvula</i>
<i>Rhamnus californica</i>	California coffeeberry
<i>Rhododendron</i> spp.	Rhododendron (including azalea) – all

	species, hybrids and cultivars
<i>Rosa gymnocarpa</i>	Wood rose
<i>Sequoia sempervirens</i>	Coast redwood
<i>Syringa vulgaris</i>	Lilac
<i>Taxus baccata</i>	European yew
<i>Trientalis latifolia</i>	Western starflower
<i>Umbellularia californica</i>	California bay laurel, pepperwood, Oregon myrtle
<i>Vaccinium ovatum</i>	Evergreen huckleberry
<i>Viburnum x bodnantense</i>	Bodnant Viburnum
<i>Viburnum plicatum</i>	Doublefile Viburnum
<i>Viburnum tinus</i>	Laurustinus

Plants Associated with *Phytophthora ramorum*

(These are regulated only as nursery stock)

Scientific Name (45)	Common Name, Date & Source of Report
<i>Abies grandis</i>	Grand fir – June 03 (1)
<i>Acer laevigatum</i>	Evergreen Maple – Aug 05 (3)
<i>Acer pseudoplatanus</i>	Planetree maple – April 05 (3)
<i>Adiantum aleuticum</i>	Western maidenhair fern – Aug 05 (5)
<i>Adiantum jordanii</i>	California maidenhair fern – May 05 (5)
<i>Aesculus hippocastanum</i>	Horse chestnut – Dec 03 (3)
<i>Arbutus unedo</i>	Strawberry tree – Dec 02 (7)
<i>Calycanthus occidentalis</i>	Spicebush – May 05 (5)
<i>Clintonia andrewsiana</i>	Andrew's clintonia bead lily – May 04 (5)
<i>Corylus cornuta</i>	California hazelnut – Dec 02 (5)
<i>Drimys winteri</i>	Winter's bark – July 04 (3)
<i>Dryopteris arguta</i>	California wood fern – May 04 (5)
<i>Fagus sylvatica</i>	European beech – Dec 03 (3)
<i>Fraxinus latifolia</i>	Oregon ash – Aug 05 (5)
<i>Hamamelis mollis</i>	Chinese witch-hazel – Jan 05 (3)
<i>Kalmia latifolia</i>	Mountain laurel – Fall 02 (3)
<i>Laurus nobilis</i>	Bay laurel – July 04 (3)
<i>Leucothoe fontanesiana</i>	Drooping leucothoe - Oct 03 (3)
<i>Magnolia stellata</i>	Star magnolia – Jan 05 (3)
<i>Magnolia x loebneri</i>	Loebner magnolia – Jan 05 (3)
<i>Magnolia x soulangeana</i>	Saucer magnolia – Jan 05 (3)
<i>Michelia doltsopa</i>	Michelia – Aug 05 (3)
<i>Nothofagus oblique</i>	Roble beech – Dec 04 (3)
<i>Osmorhiza berteroi</i>	Sweet Cicely – Aug 05 (5)
<i>Pittosporum undulatum</i>	Victorian box – Dec 02 (6)

<i>Pyracantha koidzumii</i>	Formosa firethorn – Apr 04 (9)
<i>Quercus cerris</i>	European turkey oak - Feb 04 (3)
<i>Quercus petraea</i>	Sessile oak – Aug 05 (3)
<i>Quercus rubra</i>	Northern red oak – Nov 03 (8)
<i>Rhamnus purshiana</i>	Cascara – Dec 02 (4)
<i>Rubus spectabilis</i>	Salmonberry – Dec 02 (4)
<i>Salix caprea</i>	Goat willow – July 04 (3)
<i>Taxus brevifolia</i>	Pacific yew – May 03 (5)
<i>Taxus x media</i>	Yew – June 05 (8)
<i>Torreya californica</i>	California nutmeg – Aug 05 (5)
<i>Toxicodendron diversilobum</i>	Poison oak – Dec 02 (4)
<i>Vancouveria planipetala</i>	Redwood ivy – Aug05 (5)
<i>Viburnum davidii</i>	David Viburnum - Oct 03 (3)
<i>Viburnum farreri</i> (= <i>V. fragrans</i>)	Fragrant Viburnum – Oct 03 (3)
<i>Viburnum lantana</i>	Wayfaringtree Viburnum – Oct 03 (3)
<i>Viburnum opulus</i>	European cranberrybush Viburnum – Oct 03 (3)
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum – Oct 03 (3)
<i>Viburnum x carlcephalum x V. utile</i>	Viburnum – Oct 03 (3)
<i>Viburnum x pragense</i>	Prague Viburnum – Oct 03 (3)
<i>Viburnum x rhytidophylloides</i>	Alleghany or Willowood Viburnum – Sept 04 (2)

¹ California Department of Food and Agriculture, Sacramento, CA

² Oregon Department of Agriculture. Salem, OR

³ Department for Environment, Food, and Rural Affairs, UK

⁴ Everett Hanson, Oregon State University, Corvallis, OR

⁵ David Rizzo, University of California – Davis, CA

⁶ Matteo Garbelotto, University of California – Berkeley, CA

⁷ (Reserved)

⁸ Plant Protection Service, Wageningen, Netherlands

⁹ Canadian Food Inspection Agency, Ottawa, Ontario, Canada

¹⁰ (Reserved)

¹¹ (Reserved)

Rationale for Lists:

Host Plants for *Phytophthora ramorum*:

Host plants are naturally infected associated plants added upon completion, documentation, review and acceptance of traditional Koch's postulates. Some are regulated in part (such as redwood and Douglas fir); others are regulated in their entirety (such as tanoak and western star flower). Details on regulated plants and articles can be found via links to "Phytophthora ramorum 7 CFR 301.92" and "Recent Modifications to Phytophthora ramorum Regulations" at:

<http://www.aphis.usda.gov/ppq/ispm/sod>

The plants listed in the original Interim Rule dated 14 February 2002 were adapted from a review and evaluation of lists of regulated plants from other regulatory agencies.

Plants Associated with *Phytophthora ramorum*:

Associated plants are those reported found naturally infected and from which *P. ramorum* has been cultured and/or detected using PCR (Polymerase Chain Reaction). For each of these, traditional Koch's postulates have not yet been completed or documented and reviewed. These reports must be documented and reviewed by PPQ before they will be listed.

Regulation at the genus level:

For either list, a listed plant may be revised to regulate at the genus level to ensure appropriate and effective inspection in quarantine areas, regulated nurseries, and regulated articles to mitigate the spread of *P. ramorum*. An example is when the number of individual species, hybrids, or cultivars listed or to be listed is determined to prevent appropriate and effective inspection or regulation.

Attachments I – All plants listed below are officially recognized as hosts of *Phytophthora ramorum*.

EXHIBIT D

SOD PPQ 527 Certificate (Rubber Stamp or Sticker) Issuance Tracking Log
Cooperative Sudden Oak Death (SOD) Program

[illegible]